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From: Schulz, Kirsten A
Sent: Wednesday, July 25, 2007 11:16 AM
To: Mills, Richard M Jr.; Johnson, David T
Cc: Bellinger, John B (L Bureau); Roy, Kenneth M; Pease, Leah; Pomper, Stephen; Adams, Kelli; Poisson, Beth L; Ereli, Adam J; Bishop, Vaughn F; Tsou, Leslie M; Bell, Richard K; Tremont, Pamela M; Bilgesu, Deniz X; Deeks, Ashley S
Subject: Intelligence and Security Committee/Renditions

Rick, David,

(C) The Embassy received the Intelligence and Security Committee report on Rendition today. The report is some seventy pages in length and includes some ten pages of summary and recommendations. At first, cursory reading, the report appears to be a history of what the British Intelligence services (MI5, MI6) knew about U.S. detainee and rendition policy and when, as well as a description of HMG's evolving policy toward U.S. detainee and rendition policy since 9/11. Not having read the report in its entirety, I highlight some of its language:

(U) The nature of intelligence sharing

Our intelligence-sharing relationships, particularly with the United States, are critical to providing the breadth and depth of intelligence coverage required to counter the threat to the UK posed by global terrorism. These relationships have saved lives and must continue...

Implications for the Special Relationship...

What the rendition programme has shown is that in what it refers to as 'the war on terror' the U.S. will take whatever action it deems necessary, within U.S. law, to protect its national security from those it considers to pose a serious threat. Although the U.S. may take note of UK protests and concerns, this does not appear materially to affect its strategy on rendition.

It is to the credit of our Agencies that they have now managed to adapt their procedures to work round these problems and maintain the exchange of intelligence that is so critical.

...

The UK Agencies
Conclusions and Recommendations

...The Committee considers that "secret detention," without legal or other representation, is of itself mistreatment. Where there is a real possibility of "rendition to detention" to a secret facility, even if it would be for a limited time, then approval must never be given.

...

Summary of conclusions and recommendations...

Our intelligence-sharing relationships, particularly with the United States, are critical to providing the breadth and depth of intelligence coverage required to counter the threat to the UK posed by global terrorism. These relationships have saved lives and must continue...

In the immediate aftermath of the 9/11 attacks, the UK Agencies were authorized to assist U.S. "rendition to justice" operations in Afghanistan. This involved assistance to the CIA to capture "unlawful combatants" in Afghanistan...

By mid-2003, following the case of Khaled Sheik Mohammed and suspicions that the U.S. authorities were operating "black sites," the Agencies had appreciated the potential risk of renditions and possible mistreatment of detainees. From this point the Agencies correctly sought Ministerial approval and assurances from foreign liaison services whenever there were real risks of rendition operations resulting from their actions...

UNITED STATES DEPARTMENT OF STATE
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The Committee has strong concerns, however, about a potential operation in early 2005 which, had it gone ahead, might have resulted in the xxxxx (sic) The operation was conditional approved by Ministers, subject to assurances on humane treatment and a time limit on detention. These were not obtained and so the operation was dropped. xxx (sic) ...

The use of UK airspace and airports by CIA-operated aircraft is not in doubt. There have been many allegations related to these flights but there have been no allegations, and we have seen no evidence, that suggest that any of these CIA flights have transferred detainees through UK airspace (other than two "rendition to justice" cases in 1998 which were approved by the UK Government following U.S. request.)...

We consider that it would be unreasonable ...to check whether every aircraft transiting UK airspace might have been, at some point in the past, and without UK knowledge, involved in a possibly unlawful operation. We are satisfied that, where there is sufficient evidence of unlawful activity on board an aircraft in UK airspace, be it a rendition operation of otherwise, this would be investigated by UK authorities...

The alleged use of military airfields in the UK by rendition flights has been investigated in response to our questions to the Prime Minister. We are satisfied that there is not evidence that U.S. rendition flights have used UK airspace (except the two cases in 1998 referred to earlier in the report) and that there is no evidence of them having landed at UK military airfields."

There is also language on Guantanamo detainees el-Banna and el-Rawi, among others.

Regards,
Kirsten